

# **EXHIBIT "A"**

Transcript of the Testimony of  
**Matthew Hall**

**Date:**

September 12, 2018

**Case:**

Mario Velazquez v. Ruben De La Rosa Martinez, et al

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION

MARIO A. VELAZQUEZ,

Plaintiff,

vs.

Case No. 5:16-cv-00238

RUBEN DE LA ROSA MARTINEZ d/b/a

CRUCES INTERNACIONALES, MARTINEZ and

JUAN ALFONSO ALVARADO AMADOR,

Defendants.

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The Videotaped Deposition of MATTHEW GENE HALL,  
Taken at 1565 North Opdyke Road,  
Auburn Hills, Michigan,  
Commencing at 9:35 a.m.,  
Wednesday, September 12, 2018,  
Before Stacy K. Locher, CSR-5699.

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1           here in -- this morning. Once the tray pack --

2    A.    Uh-huh.

3    Q.    I'm going to write that down. You'll understand I got  
4           Concane and Ciccone (phonetic) and Peterson and Lopez  
5           mixed up from time to time. I'm going to write it  
6           down.

7    A.    I think if you said termos I would know what you mean,  
8           that's fine.

9    Q.    Thank you very much. I think it helps the jury and I  
10           think it helps us if we use the same terminology the  
11           whole time.

12   A.    That will be fine, I'll be careful.

13   Q.    So you'll be okay with us using the word termos?

14   A.    Yes.

15   Q.    And that term, again, is -- for definition purposes is  
16           the fully built tray pack that you and I talked about  
17           a few minutes ago, is that right?

18   A.    Okay, that sounds right.

19   Q.    So when the termos arrives in -- at Benteler Duncan  
20           then at some time shortly after the arrival then your  
21           job takes over?

22   A.    Yes.

23   Q.    Again, just in general, these four rear sub frame  
24           assemblies are unpackaged, whatever is done with them  
25           is done and then somehow, again, we'll get into the



1 details of it, the lids and the bases are then moved  
2 to some storage area and later transported back to  
3 Benteler Mexico in Pueblo?

4 A. That's correct.

5 Q. Okay. And I know it's a broad brush, just getting the  
6 supply chain.

7 A. Okay.

8 Q. Then it gets back to Pueblo, the Benteler Mexico  
9 facility in Pueblo, and then whatever happens there,  
10 that's not part of what you do?

11 A. Correct.

12 Q. And then the cycle starts all over again, it's built,  
13 the termos is built, transported back to Benteler  
14 Duncan, right?

15 A. Yes.

16 Q. All right. When does your job start in relation to  
17 and specifically related to the termos of the type  
18 that we are involved with, that we have been talking  
19 about?

20 A. So my job as an engineer really supports the forklift  
21 drivers that handle the material so as far as me  
22 personally handling the dunnage or material, I do not.

23 Q. Okay. Now you got dunnage and material, we talked  
24 about the termos?

25 A. Yes. Did I say that again, sorry, termos.

1 off?

2 A. Correct.

3 Q. All right. Are you involved in what the operator does  
4 with those lids and bases after that?

5 A. That's a crossover point I would say because what they  
6 do -- we present material to them to work and then  
7 they present the dunnage back to us so they handle the  
8 part, they are finished with that given tray pack,  
9 termos. When they're taken all four of those sub  
10 frames out, they put the lid back on, there is a  
11 conveyor adjacent, right beside them that is flowing  
12 the opposite direction so it flows down towards the  
13 forklift driver, you can then --

14 Q. Okay. Makes sense.

15 A. Okay.

16 Q. That's exactly where I was going. I appreciate the  
17 explanation. So this operator then would literally --  
18 when the lid comes off of one unbanded termos, that  
19 lid would then go onto an adjacent but opposite  
20 direction, gravity-fed conveyor?

21 A. Yeah, it goes on top of the empty base and it's  
22 returned in a unit load just the way it came in only  
23 without the parts inside.

24 Q. Okay. Well, the lid has got to come off before the  
25 base comes out, right?

1 A. The lid comes off first and then they consume the  
2 parts and when the base gets slid out to the outbound,  
3 they take the lid, put it back on, send it back out.

4 Q. Right. Where does the lid go during the time that you  
5 are taking off those four pieces?

6 A. They just aside it in between, there is a gap in  
7 between the conveyors, they set it right there until  
8 they are ready for it.

9 Q. No magic to it, just set it down on the ground and  
10 wait until they can get the base?

11 A. Yeah, it stays vertically to my knowledge. It stays  
12 ready to go, they pick it up, put it on there.

13 Q. Okay. So once the four pieces are out, the auto parts  
14 are out?

15 A. Yes.

16 Q. Then the base becomes accessible and the base is then  
17 picked up, moved from the -- from that conveyor over  
18 to the outbound conveyor?

19 A. Yes.

20 Q. That goes back to you?

21 A. Yes.

22 Q. Okay. All right. And the lid is also placed inside  
23 that base?

24 A. Yeah, it's just on top of the base in the same  
25 orientation that it came in. It's not upside down,

1           it's right side up, it fits on there.

2       Q.    It's not inverted?

3       A.    Correct.

4       Q.    The base -- the lid is just put back on top in the way  
5           that it came in?

6       A.    Correct.

7       Q.    Just without the auto parts?

8       A.    Correct.

9       Q.    Okay. How many empty lids and bases -- do you  
10           understand, I'm talking about a base meaning the  
11           pallet and the tray that are bolted together? Are you  
12           with me on that?

13      A.    I do.

14      Q.    Because the tray and the pallet are bolted and the way  
15           it was designed, if you are aware, it was to be  
16           permanently bolted together. Are you generally aware  
17           of that?

18      A.    I would say generally but particulars, the packaging,  
19           not so much.

20      Q.    That's fine. So regardless of that then, you  
21           understand when I use the term base I mean both the  
22           pallet and the tray?

23      A.    I do.

24      Q.    How many pallet and trays are stacked into one group  
25           when they are moved back down the outgoing conveyor?

1 Q. Okay. So the forklift operator would then pick up the  
2 empty lids and bases with the forklift?

3 A. Correct.

4 Q. And where would the forklift operator place those lids  
5 and bases then as he's stacking one on top of the  
6 other?

7 A. So as part of his return trip he would take them, set  
8 them next to the outbound dunnage trailer.

9 Q. Okay. I think you are a step ahead of me.

10 A. Okay.

11 Q. When these lids and bases return to the area where the  
12 forklift operator originally put them on the conveyor,  
13 they come to him one lid and one base at a time in the  
14 way you've described?

15 A. Right.

16 Q. One behind the other kind of thing?

17 A. Right.

18 Q. Is it possible for those lids and bases to fall off or  
19 get damaged on that conveyor?

20 A. Anything is possible but I've never seen it happen.

21 Q. And that was going to be my next question. Have you  
22 ever seen it happen?

23 A. No.

24 Q. Okay. When a lid and a base arrive back down where  
25 the forklift operator was, okay, he then takes it off

1 the conveyor with the forks?

2 A. Correct.

3 Q. Puts it where?

4 A. He doesn't put it anywhere, he keeps ahold of it.

5 He'll take the entire stack back to the outbound  
6 trailer.

7 Q. Just one at a time?

8 A. No, he'll stack them and the conveyor may have four  
9 units presented to him. He'll lift one up, raise it  
10 this high, the next one rolls underneath it, he'll set  
11 it down on it, come out of where he was, go back in  
12 under the bottom one, raise it up, et cetera, until he  
13 completes whatever is available and then he doesn't  
14 leave them anywhere near there. He takes them back to  
15 the outbound dunnage or termos trailer empty.

16 Q. In that third door that you talked about back in the  
17 2015 time frame?

18 A. Yes.

19 (Mr. De Los Santos left the deposition room  
20 at 10:52 a.m.)

21 BY MR. HAGOOD:

22 Q. The approximate distance the forklift driver has to  
23 drive to get to this outbound trailer is what?

24 A. I would say 100 feet because it's 20 feet further than  
25 where he was from the line so that is probably the

1 A. Yes.

2 Q. Do 2 through 7 apply to the type termos that we are  
3 involved with in this case?

4 A. No.

5 Q. Okay. Getting back to the nine units stacked high, I  
6 assume that these columns would go right side and left  
7 side similar to the way that they came in just without  
8 the auto parts?

9 A. That's correct.

10 Q. All right. Are they banded together?

11 A. No.

12 Q. And do you understand when I use the term unitized or  
13 compartmentalized, do you understand generally that  
14 term?

15 A. Yes, generally.

16 Q. Is there any unitization of a column of these empty  
17 lids and bases, the nine stacked that we talked about?

18 A. No, other than them nesting on each other.

19 Q. Just the weight of them one on top of the other?

20 A. Yes.

21 Q. Is there a loading configuration or a load plan of  
22 which you are aware that is required for the outbound  
23 empty lids and bases there at Benteler Duncan?

24 A. I'm not aware of any.

25 Q. I want to be sure, this is the trailer that is hauled

1 back to Pueblo?

2 A. This trailer, from my knowledge, will make it to the  
3 border. I don't know whether this particular trailer  
4 can go all the way to the plant. I just don't know  
5 that.

6 Q. Okay. I understand. I accept what you tell me makes  
7 complete sense. This is the trailer that, at least  
8 from what you are aware of, would leave Benteler  
9 Duncan and at least head toward the border, whether or  
10 not it can cross the border, that's international laws  
11 that your job really doesn't get you into?

12 A. That's correct. I believe it's the trailer heading  
13 back towards the supply chain, along the supply chain.  
14 What it does at the border, I just don't know.

15 Q. And the supply chain is what you and I discussed 30,  
16 45 minutes ago?

17 A. Yes.

18 Q. So what instructions does the forklift operator have  
19 when he's loading these nine units in the way that we  
20 just discussed, how is that done?

21 A. I don't know.

22 Q. Is there a supervisor for the forklift operator to the  
23 extent -- correction, my apologies.

24 Does the forklift operator then have a  
25 supervisor in connection with this loading operation?



1 signature. Yes, I see his name printed there.

2 Q. All right. Do you have any business dealings with  
3 either one of those two gentlemen on a regular basis?

4 A. Jeff's at the plant, yeah, I work with him, not every  
5 day but we definitely work in the same plant and have  
6 opportunity to work together. James, not so much.  
7 He's sort of more in the structures business but he  
8 has been at our plant and has done some work with us.  
9 He's at the corporate level.

10 Q. Corporate level is up here?

11 A. Yes.

12 Q. Okay. Taking a look at Exhibit 189, please, sir.  
13 It's Bates BDM 0151.

14 A. There was a BDM on the last one that was 152.

15 Q. Did I miss it?

16 A. It's way up in the corner.

17 Q. Yes, thank you very much.

18 Chris, my apologies. Plaintiff's  
19 Exhibit 190 has BDM 0152.

20 Thank you, Mr. Hall. Plaintiff's  
21 Exhibit 189, BDM 0151. Another packaging  
22 specification data sheet. Do you see that?

23 A. I do.

24 Q. I cannot read today's date. Are your eyes good  
25 enough?

1 A. It looks like 4-14, 2008.

2 Q. Okay. Is it 6 or 8, can you tell?

3 A. I see an 8.

4 Q. Within this packaging spec sheet there is a packaging  
5 loading instruction section and a return empty  
6 instruction. Do you see that?

7 A. I do.

8 Q. Were you aware of these packaging loading instructions  
9 and return empty instructions before you and I are  
10 looking at it right now?

11 A. I've seen these data sheets before. I've seen some  
12 with packaging instructions on them and some without.  
13 This specific piece of document, no, I don't think --  
14 I don't know that I've seen this one.

15 Q. Okay.

16 A. We've seen a few already in our preparation. I may  
17 have seen this one but the picture on the bottom right  
18 looks new to me.

19 Q. When you say it looks new to you, what do you mean?

20 A. The dunnage is brand new for one.

21 Q. The termos?

22 A. Yeah, they look like they're brand new.

23 Q. How can you tell?

24 A. They just look new, yellow, clean.

25 Q. In the section where it says return empty

1 instructions, this is done at Benteler Duncan?

2 A. Yes, I would assume so.

3 Q. Okay. Here is the part that I'm interested in, number  
4 7, place lid back on empty unit load so that yellow  
5 stripes are aligned. Did I read that right?

6 A. Yes, I believe so.

7 Q. I'm assuming that's the way you folks do it?

8 A. Yeah, to my knowledge on that line, they really only  
9 nest properly if you do it that way, but yes.

10 Q. And I think that's right, that's the way we've figured  
11 it out so all right. Then number 8, stack three empty  
12 unit loads together, place one plastic band around all  
13 three. Did I read that right?

14 A. You did.

15 Q. When it says empty unit loads, what is a unit load?

16 A. I would assume that's the top and the bottom just as  
17 we've described it, in fact, it's the picture mid  
18 upper left there. That's with the stripes aligned and  
19 the lid on the bottom. That was -- that would be what  
20 I would interpret to be an empty unit load.

21 Q. Okay. And three empty unit loads would be the lid,  
22 the tray and the pallet. Is that the three?

23 A. I think it would be three of those.

24 Q. Of those, all right.

25 A. Three of the complete unit load.

1 Q. Okay. And place a -- place one plastic band around  
2 all three. Do you folks place one plastic band around  
3 all three?

4 A. We do not, to my knowledge.

5 Q. Number 9, return ratio is 3 to 1, empty to full. I  
6 know you used the term 3 to 1 earlier. What does 3 to  
7 1 mean when it references here empty to full?

8 A. So you can see in that lower right picture that they  
9 are three high with parts inside?

10 Q. Yes, sir.

11 A. If you were to stack nine of them with the other  
12 picture. They would be roughly the same height as  
13 that and it would fit in the trailer with enough  
14 clearance to get them in and out.

15 Q. Okay. So within Benteler Automotive why aren't the  
16 three empty unit loads placed with one plastic band  
17 around all three?

18 A. My interpretation of that is that they nest fine  
19 without it and they seat themselves very well and stay  
20 in position in the truck.

21 Q. This packing spec sheet is from Benteler Automotive,  
22 correct?

23 A. That is the header on there, yes, I feel confident of  
24 that.

25 Q. And did anybody with Benteler Automotive tell you that

1           it was acceptable to return these empty unit loads not  
2           banded in the way that the instructions require?

3       A.    Not to my knowledge.

4       Q.    What is the purpose of placing one plastic band around  
5           all three-unit loads?

6       A.    I don't really know.

7       Q.    You remember you and I talked about the term  
8           unitization?

9       A.    Yes.

10      Q.    Would that be a unitization concept?

11                       MR. PETERSON:  Objection, ambiguous.

12                       You can answer.

13      A.    I think that makes sense.  That would be what I would  
14           think it would be but I don't know for sure.

15      BY MR. HAGOOD:

16      Q.    Okay.  And from a securement standpoint, do you know  
17           what purpose unitization accomplishes?

18                       MR. PETERSON:  Objection, ambiguous,  
19           speculative.

20      BY MR. HAGOOD:

21      Q.    You can answer.

22      A.    I just think that it's, you know, either to keep a  
23           unit load separate by itself, to isolate it but it  
24           could also be to secure it I guess.

25      Q.    How long has Benteler Automotive returned these empty

1 lids and bases, these unit loads, without having the  
2 plastic band around all three?

3 A. I don't know that.

4 Q. Can you think of any time in your career with Benteler  
5 Automotive that you have seen a plastic band placed  
6 around all three?

7 A. I cannot.

8 Q. In fact, you and I clearly went through very carefully  
9 step by step the process that was used to take the  
10 empties, move them from the -- what did we call it,  
11 the conveyor to the staging to the truck. We went  
12 through that step by step and nowhere within that step  
13 was there any indication of rebanding, correct?

14 A. Correct.

15 Q. And that was the procedure that was used back in 2015,  
16 correct?

17 A. Correct.

18 Q. And for the time -- the years before that at least  
19 that you were involved with, from 2011 or so until  
20 today?

21 A. That's my understanding.

22 Q. Okay. Do you think it would be a good idea when you  
23 leave here to go find out why banding was necessary on  
24 the -- these empty units and you folks aren't doing  
25 that?

## 1 CERTIFICATE OF NOTARY

2 STATE OF MICHIGAN )

3 ) SS

4 COUNTY OF OAKLAND )

5  
6 I, STACY K. LOCHER, certify that this  
7 deposition was taken before me on the date  
8 hereinbefore set forth; that the foregoing questions  
9 and answers were recorded by me stenographically and  
10 reduced to computer transcription; that this is a  
11 true, full and correct transcript of my stenographic  
12 notes so taken; and that I am not related to, nor of  
13 counsel to, either party nor interested in the event  
14 of this cause.

15  
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25



STACY K. LOCHER, CSR-5699

Notary Public,

Oakland County, Michigan

My Commission expires: October 16, 2018